

HOUSE BILL 15

R2
HB 780/09 – W&M

EMERGENCY BILL

2lr4568
CF SB 24

By: **Delegates Hershey, Boteler, Cluster, Eckardt, Glass, Haddaway–Ricchio, Kach, McComas, McDermott, Smigiel, and Vitale**

Introduced and read first time: October 17, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Fixing or Revising Tolls – Legislative**
3 **Approval Required**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from fixing or
5 revising a toll on any part of any transportation facilities project unless the
6 General Assembly approves the toll through legislation; authorizing the
7 Authority, on or after the effective date of this Act, to continue to charge and
8 collect a toll of the same amount in effect before the effective date of this Act;
9 making a technical change; making this Act an emergency measure; and
10 generally relating to tolls for the use of transportation facilities projects under
11 the jurisdiction of the Maryland Transportation Authority.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 4–312
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Transportation**

20 4–312.

21 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
22 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may
23 continue to be charged on the John F. Kennedy Memorial Highway and any project
24 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
25 of Chapter 608 of the Acts of the General Assembly of 1976.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) [As] **EXCEPT WITH RESPECT TO TOLLS, AS** to all or any part of
2 any transportation facilities project, the Authority may:

3 (i) Fix, revise, charge, and collect rentals, rates, fees, [tolls,]
4 and other charges and revenues for its use or for its services; and

5 (ii) Contract with any person who desires its use for any
6 purpose and fix the terms, conditions, rentals, rates, fees, [tolls,] or other charges or
7 revenues for this use.

8 **(3) (I) THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON**
9 **ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE**
10 **GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION.**

11 **(II) ON OR AFTER OCTOBER 1, 2011, THE AUTHORITY MAY**
12 **CONTINUE TO CHARGE AND COLLECT A TOLL ON ANY PART OF ANY**
13 **TRANSPORTATION FACILITIES PROJECT IN AN AMOUNT EQUAL TO THE AMOUNT**
14 **OF THE TOLL IN EFFECT BEFORE OCTOBER 1, 2011.**

15 (b) The rentals, rates, fees, tolls, and other charges and revenues designated
16 as security for any bonds issued under this subtitle shall be fixed and adjusted from
17 time to time, either with respect to a particular transportation facilities project or in
18 respect of the aggregate of the charges and revenues from other transportation
19 facilities projects under the control of the Authority, as may be specified by law or in
20 any applicable resolution or trust agreement, so as to provide funds that, together
21 with any other available revenues, are sufficient as long as the bonds are outstanding
22 and unpaid to:

23 (1) Pay the costs of maintaining, repairing, and operating the
24 transportation facilities project or projects financed in whole or in part by one or more
25 series of outstanding and unpaid bonds, to the extent that payment is not otherwise
26 provided;

27 (2) Pay the principal of and the interest on these bonds as they become
28 due and payable;

29 (3) Create reasonable reserves that are anticipated will be needed for
30 these purposes; and

31 (4) Provide funds for paying the cost of replacements, renewals, and
32 improvements.

33 (c) (1) Except as otherwise provided in this [subsection] **SECTION**, the
34 rentals, rates, fees, tolls, and other charges and revenues are not subject to

1 supervision or regulation by any instrumentality, agency, or unit of this State or any
2 of its political subdivisions.

3 (2) This subtitle does not permit the exercise of any power or the
4 undertaking of any activity that would conflict with the provisions and limitations of
5 the federal Urban Mass Transportation Act of 1964.

6 (3) Tolls for the use of the bridge carrying the John F. Kennedy
7 Memorial Highway over the Susquehanna River may not be less than the comparable
8 tolls charged for the use of the Susquehanna River Bridge.

9 (4) Prior to [fixing or revising tolls] **SUBMITTING TO THE GENERAL**
10 **ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part
11 of any transportation facilities project, the Authority shall provide, in accordance with
12 § 2-1246 of the State Government Article, to the Senate Budget and Taxation
13 Committee, Senate Finance Committee, House Appropriations Committee, and House
14 Ways and Means Committee information on the proposed toll charges, including:

15 (i) The annual revenues generated by the toll charges;

16 (ii) The proposed use of the revenues; and

17 (iii) The proposed commuter discount rates.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety,
20 has been passed by a ye and nay vote supported by three-fifths of all the members
21 elected to each of the two Houses of the General Assembly, and shall take effect from
22 the date it is enacted.